



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

ERALD C. MANN
ATTORNEY GENERAL

Mr. Charles E. Baughman
Chief Clerk
Department of Agriculture
Austin, Texas

Overruled by 1-1183
and withdrawn

Dear Sir,

Opinion No. 0-1685
Re: Appropriation Bill 46th
Legislature (1939) --
Market News Specialist
United States Program --
Payment of Salary.

Requesting an opinion, you advise as follows:

*Under an agreement executed by the Secretary of the United States Department of Agriculture, and by J. E. McDonald, Commissioner of Agriculture of the State of Texas, copy of which is attached, the United States Department of Agriculture agrees to pay a portion of the expense of a Market News Office operated at San Antonio, the State Department of Agriculture also agreeing to pay a portion of such expense, a specific appropriation having been made by the Legislature for this purpose. The United States Department of Agriculture is to pay \$1,025.00 toward the aggregate of salary for the Market News Specialist and the State Department of Agriculture is required to pay \$1,575.00 on the said Market News Specialist's salary. * * *

*The Market News Service, according to the agreement is a cooperative arrangement between the two departments whereby the Federal Department meets the expense of the leased wire service into the Market News Service Office, the salary of the telegrapher and the office rent-

als, and as stated above, \$1,025.00 as part salary to the Market News Specialist. * * *

Upon this statement you inquire whether or not your department has the authority to pay to the Market News Specialist that portion of his annual salary -- \$1575.00 -- appropriated therefor.

Of course, since there is a specific appropriation of \$1575.00 for a Market News Specialist, there could be no possible question of the authority for its payment in the absence of the stated agreement with the United States.

As a part of Section 2 of the Appropriation Bill, it is stated:

"The proper officer or officers of any State departments, bureaus, or divisions of State agencies are hereby authorized to make application for and accept any gifts, grants or allotments of funds from the United States Government to be used on State co-operative and other Federal projects and programs in Texas, including construction of public buildings, repairs and improvements. Any of such Federal funds as may be deposited in the State treasury are hereby appropriated to the specific purpose authorized by the Federal Government."

From your statement, and from our examination of the copy of the agreement between the United States and your department, it appears the mutual arrangement for the Market News Service is such a project or program as is contemplated by the rider immediately above quoted.

So that you are respectfully advised that the payment of the salary to the Market News Specialist in the sum of \$1575.00 as a part of this program would be lawful.

Very truly yours
ATTORNEY GENERAL OF TEXAS

By

Osie Speer
Osie Speer
Assistant

APPROVED NOV 20, 1939
OS-Mr *Guadalupe Mann*
ATTORNEY GENERAL OF TEXAS

